

UNITED STATES OF AMERICA,
Plaintiff,
v.
SUMTER COUNTY SCHOOL DISTRICT NO. 2; DAN L. REYNOLDS, Chairman, and H. CURTIS EDENS, JR., CLARENCE E. PHILLIPS, JR., W. HAZEL MC COY, and RUSSELL F. JONES, Members of the Board of Trustees of Sumter County School District No. 2; and HUGH T. STODDARD, District Superintendent of Education of Sumter County School District No. 2,
Defendants.

1. This is an action to protect the interest of the United States that members and civilian employees of its Armed Forces and their dependents be not unconstitutionally discriminated against on account of race or color in the use and enjoyment of educational facilities which have been built or are being maintained and operated with the use of funds of

the United States under the provisions of P.L. 815 and P.L. 874, 81st Cong. (Chapters 13 and 19 of Title 20, U.S.C.), with the resultant detriment to their service and morale.

2. This Court has jurisdiction of this action under Sections 1343 and 1345 of Title 28, United States Code.

3. The State of South Carolina maintains a state-wide system of free public schools.

4. Sumter County School District No. 2 (hereafter referred to as the District) is a body politic and corporate existing under the laws of South Carolina for the purpose of maintaining and operating public schools within its territorial limits. These limits include approximately all of Sumter County, South Carolina, other than the City of Sumter. The District is under the management and control of a school board known as the Board of Trustees of Sumter County School District No. 2 (hereafter referred to as the Board). The principal office of the District and of the Board is in the City of Sumter.

5. Dan L. Reynolds is Chairman of the Board, and H. Curtis Edens, Jr., Clarence E. Phillips, Jr., W. Hazel McCoy and Russell F. Jones are members of the Board. Each resides in Sumter County, South Carolina.

6. Hugh T. Stoddard is District Superintendent of Education of the District and is responsible for the administration of its public schools under the general supervision of the Board. He resides in Sumter County.

7. The plaintiff maintains Shaw Air Force Base in Sumter County, South Carolina, as part of its national defense establishment.

8. Shaw Air Force Base, a tactical air command station, is the headquarters of the 9th Air Force and of the

837th Tactical Air Division. The mission of the 837th Tactical Air Division is to organize, equip, train and administer the forces assigned or attached to it in order to participate in prompt and sustained tactical air operations, including tactical fighter, tactical missile, troop carrier, reconnaissance and support units. The mission of the 9th Air Force is to provide Air Force participation in joint operations; to accomplish operational training of Air Force units in air-ground operations and to administer, equip and prepare for combat such units and crew as may be assigned or attached to it. The 9th Air Force has within the scope of its command the 837th Tactical Air Division at Shaw Air Force Base; the 4th Tactical Air Fighter Wing at Seymour-Johnson Air Force Base, North Carolina; the 354th Tactical Fighter Wing at Myrtle Beach Air Force Base, South Carolina; the 836th Air Division at Langley Air Force Base, Virginia; the 4504th Missile Training Wing at Orlando Air Force Base, Florida; the 464th Troop Carrier Wing at Pope Air Force Base, North Carolina; and the 839th Air Division at Stewart Air Force Base, Tennessee. Other units based at Shaw Air Force Base are the 4444th Reconnaissance Technical Squadron, the 4502nd Support Squadron, the 4451st Standards and Evaluations Squadron, the 527th Air Force Band, the 15th Communications Squadron, the 507th Communications and Control Group, the 363rd Tactical Reconnaissance Wing, the 837th Air Base Group, the 4411th Combat Crew Training Group, the 2020th Air Craft Control and Warning Squadron, the 3rd Weather Squadron, the 2107th Office of Special Investigation, the Civil Air Patrol, the 1031st Auditor General Squadron, and the 307th Field Training Detachment.

9. The plaintiff has constructed and assisted in the construction of 920 family housing units located on Shaw Air Force Base. These family housing units, which are owned and maintained by the plaintiff, have been constructed so that servicemen who are stationed at the base may live together with their families. Of these housing units, 900 have been built under the provisions of Title VIII of the National Housing Act, as in effect prior to August 11, 1955, (Wherry Act, 12 U.S.C. 1702 et. seq., and 1748 et. seq.), and 20 have been constructed from funds appropriated by Congress for the Department of Defense.

10. The District maintains and operates thirteen public schools for the education of children residing within the district, including dependents of members and civilian employees of the plaintiff's Armed Services. These schools are Shaw Heights and Pinewood elementary schools; DeLaine, Rafting Creek, Mayesville Institute and St. John elementary-junior high schools; Shaw Junior High School; and Hillcrest, Furman, Mayewood, Ebenezer, Manchester and Eastern elementary-high schools.

11. Under the provisions of Chapter 13 of Title 20 of the United States Code, the Commissioner of Education has approved, and the plaintiff has paid to the District, during the period from 1954 to the present time, a total of \$1,207,743 for the maintenance and operation of the schools described in paragraph 10. These grants were approved and the payments made on account of District No. 2 providing public education for the dependents of members and civilian employees of the plaintiff's Armed Services, and the proceeds were used by the District to defray the general cost of maintaining and

operating its public schools. A tabulation of the grants paid and the number of service-connected dependents on whose account they were paid, for each year since 1954, is set forth as Appendix "A" to this complaint.

12. Under the provisions of Chapter 19, Title 20 of the United States Code, the United States Commissioner of Education has approved, and the plaintiff has paid grants in the total amount of \$910,465.33, during the period from 1950 to the present time, for the construction and improvement of the schools described in paragraph 10. A tabulation of the funds paid by the plaintiff to the District on individual construction projects appears as Appendix "B" to this complaint.

13. Shaw Heights Elementary School is located adjacent to Shaw Air Force Base just off South Carolina Highway No. 441. Its construction, consisting of fourteen classrooms, multi-purpose room, kitchen, administrative suite, boiler rooms, toilet and necessary equipment, was completed on August 28, 1953, at a total cost of \$223,455.58. Of this total cost of construction, the plaintiff has paid \$218,939.18 to the District under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. An addition to Shaw Heights Elementary School, consisting of six regular classrooms, two self-contained classrooms, auxiliary facilities and equipment, was completed on April 3, 1956, at a total cost of \$81,760.98. The plaintiff has paid to the District the total cost of this construction under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A further

addition to Shaw Heights Elementary School, consisting of four self-contained classrooms, cafeteria space, including stage, storage room and passage, and necessary equipment, was completed on April 25, 1958, at a total cost of \$77,798.61. The plaintiff has paid to the District the total cost of this addition under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

14. Hillcrest elementary-high school is located at the intersection of Highways 441 and 521, approximately five miles from Shaw Air Force Base. An addition to Hillcrest elementary-high school was completed on September 13, 1956, at a total cost of \$119,237.92. Of this total cost of construction, the plaintiff has paid \$119,164.00 to the District under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A further addition to Hillcrest elementary-high school, consisting of four regular classrooms, boiler room, auxiliary facilities, septic tank and field, and necessary equipment, was completed on December 31, 1957, at a total cost of \$62,278.12. The plaintiff has paid to the District the total cost of this addition under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. Two further additions to Hillcrest elementary-high school, consisting of six regular classrooms, book room, science unit containing sewing room, cooking room, combined living-dining suite, office, covered passage, conversion of existing cafeteria and home economics room to multi-purpose room, auxiliary facilities and necessary equipment for each addition,

were completed on August 29, 1958, at a total cost of \$120,661.08. The plaintiff has paid to the District the total cost of these additions under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

15. Shaw Junior High School is located on United States Highway No. 441 across from the west terminations of Abelia and Cherry Streets of Shaw Air Force Base, approximately one mile from the base. Its construction, consisting of seven regular classrooms, science classroom, library with workrooms, cafeteria with stage, kitchen and service areas, office suite, clinic rooms, book storage room, auxiliary facilities, and necessary off-site utilities connections, was completed on September 24, 1959, at a total cost of \$197,365.05. Of this total cost of construction, the plaintiff has paid \$195,056.71 to the District under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. An addition to Shaw Junior High School, consisting of four regular classrooms, conference room and work room, and auxiliary facilities, with additions to existing boys' toilet facilities, was completed on April 19, 1961, at a total cost of \$34,861.01. Of this total cost of construction, the plaintiff paid \$34,806.65 to the District under a grant applied for by the District and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

16. In connection with each of its applications for a grant under Chapter 19 of Title 20, United States Code, as referred to in paragraphs 12 through 15, the District gave

written assurance, as required by 20 U.S.C. 636, that the school facilities of the District "will be available to the children for whose education contributions are provided ... on the same terms, in accordance with the laws of the State in which applicant is situated, as they are available to other children in applicant's school district."

17. The members and civilian employees of the Armed Services of the plaintiff stationed or employed at Shaw Air Force Base include persons of both the white and Negro races. The school age dependents of such members and employees include children of both the white and Negro races.

18. It is the policy and practice of the defendants, in operating the public schools of the District, to segregate Negro students in separate schools maintained and operated solely for students who are of the Negro race.

19. The defendants have operated and are presently operating Shaw Heights and Pinewood elementary schools; Shaw Junior High School; and Hillcrest, Furman and Mayewood elementary-high schools for the education of white children exclusively. The defendants have operated and are presently operating DeLaine, Rafting Creek, Mayesville Institute and St. John elementary-junior high schools, and Ebenezer, Manchester and Eastern elementary-high schools for the education of Negro children exclusively.

20. By reason of the policy and practice of the defendants to assign students to schools according to their race, all Negro school age dependents of the members and employees of plaintiff's Armed Services stationed or employed at Shaw Air Force Base and residing within Sumter County School District No. 2, are compelled to attend schools

operated exclusively for members of the Negro race and are not permitted to attend schools available to white children similarly situated.

21. Pursuant to the policy and practice of the defendants to assign students to schools according to their race, the defendants assign Negro school-age dependents of military personnel and civilian employees of the plaintiff residing within the boundaries of the Sumter County School District No. 2 to schools further from their residences than other schools operated by the defendants for the education of white children exclusively.

22. Approximately 1,456 children of military personnel and civilians stationed or employed at Shaw Air Force Base were in attendance at the public schools operated by the defendants during the 1961-62 school year and approximately the same number are in attendance for the 1962-63 school year. Of these children, approximately 75 are Negroes.

23. The defendants have failed and are now failing to make the public school facilities under their jurisdiction available to Negro dependents of the members and employees of the Armed Services of the plaintiff upon the same terms as such facilities are available to white children who attend schools operated by the Board.

24. The acts and conduct of the defendants herein alleged violate the Fourteenth Amendment to the Constitution.

25. The defendants will, unless restrained by order of this Court, continue unconstitutionally to segregate the dependents of members and employees of the plaintiff's Armed Services according to race in the public schools of the District, thereby causing irreparable injury to the plaintiff, consisting of impairment of the service and morale of its military and civilian personnel and the separation of servicemen from their families when the servicemen send their children to schools outside the area of the military installation at which they are stationed in order to avoid subjecting the children to racial discrimination in the children's education.

26. The plaintiff has no adequate remedy at law.

WHEREFORE, plaintiff prays that the Court enter an order enjoining the defendants, their successors in office, agents, employees, and all persons in active concert or participation with them, from segregating or discriminating against, among, or between, upon the basis of their race or color, any dependents of the members or employees of the Armed Services of the plaintiff in the operation of the public schools of Sumter County District No. 2, together with such additional relief as may be appropriate.

UNITED STATES OF AMERICA,
Plaintiff,

By:

ROBERT F. KENNEDY
Attorney General

BURKE MARSHALL
Assistant Attorney General

TERRELL L. GLENN
United States Attorney

ST. JOHN BARRETT, Attorney
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APPENDIX A

FEDERAL PAYMENTS MADE TO SUMTER COUNTY SCHOOL DISTRICT NO. 2, SUMTER COUNTY, SOUTH CAROLINA, FOR CURRENT OPERATING EXPENSES OF SCHOOLS UNDER PUBLIC LAW 874 AND THE NUMBER OF FEDERALLY CONNECTED CHILDREN BY CATEGORY COUNTED FOR PAYMENT OF EACH FISCAL YEAR 1954 THROUGH 1962

<u>Fiscal Year</u>	<u>No. of Children Counted for Payment "A" Category 1/</u>	<u>"B" Category 2/</u>	<u>Federal Payment</u>
1954	232	201	\$ 23,385
1955	232	201	23,847
1956	405	216	38,875
1957	598	432	117,312
1958	771	581	159,883
1959	853	708	173,676
1960	891	727	204,772
1961	971	831	235,413
1962	872	818	3/ 230,580
	Total 5,825	4,715	\$1,207,743

1/ These are the children who live on Federal property with a parent employed on Federal property.

2/ These are children who either live on private property with a parent employed on Federal property or live on Federal property with a parent employed on private property.

3/ Estimate based on initial processing and shown at 100% entitlement.

Dalzell School District No. 2-A has not applied for Federal assistance under Public Law 874, as amended.

APPENDIX B

School Construction Projects Approved under Public Law 815 for Sumter County School District No. 2, South Carolina, Including Application Periods, Project Numbers, Dates of Project Approval, Federal and Local Funds Expended and Total Project Costs for the Period Fiscal 1951 Through 1961

Application Period (1)	Project Number (2)	Date Project Approved (3)	Federal Funds (4)	Local Funds (5)	Total Cost (6)
1950-52	<u>1/</u> 52-C-208A	April 25, 1952	\$218,939.18	\$4,516.40	\$223,455.58
1954-56	56-C-501A6	June 2, 1955	81,760.98	--	81,760.98
1954-56	56-C-501B6	October 5, 1955	119,164.00	73.92	119,237.92
1956-58	58-C-501A8	April 10, 1957	77,798.61	--	77,798.61
1956-58	58-C-501B8	April 10, 1957	62,278.12	--	62,278.12
1956-58	58-C-501C8	August 7, 1957	120,661.08	--	120,661.08
1957-59	59-C-501A9	July 31, 1958	195,056.71	2,308.34	197,365.05
1958-60	60-C-501A10	July 14, 1960	34,806.65	54.36	34,861.01
Totals			\$910,465.33	\$6,953.02	\$917,418.35

1/ Dalzell School District No. 2-A at the time of approval, now a part of Sumter County School District No. 2.